

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 4921 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 4922 OF 2005

Mr. Manoj Kumar Poddar ...Applicant

Versus

D.G. Tare and Anr. ...Respondents

Mr. N.V. Pradhan i/b Ms.S.D. Khot, Advocate for Applicant.

Mr. V.B. Konde Deshmukh, A.P.P. for State in Application No. 4921 of 2005..

Mr. D.P. Adsule, A.P.P. for State in Application No. 4922 of 2005.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 8TH SEPTEMBER, 2005

P. C.:-

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant has prayed for quashing of process issued against him in Criminal Case Nos.2410/S/2003 and 2411/S/2003 which are pending in the Court of learned Metropolitan Magistrate, 16th Court, Ballard Pier, Mumbai. In the said case, process has been issued against the applicant under clause 39 for contravention of clause 26 of the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Scheme, 1981 r.w. Section 3(3) of Mah. private Security Guards (Regulation and Employment and Welfare) Act, 1981.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No. 550 of 2005, the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. The learned advocate for the applicant states that the necessary revision would be preferred within a period of four weeks from today. I am informed that the date before the trial court is on 13.9.2005. In view of this statement, the trial Court shall not proceed with the trial for on 13.9.2005 and for a period of three weeks thereafter.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Applications are disposed of.

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